REMARKS

This is in response to the Office Action mailed August 23, 2006.

Claims 1-2, 5-10, 12-16, and 18-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lui et al. (US 2002/0118220) and Brown et al. (7,073,121). However, Applicants wish to emphasize that Brown et al. (USP 7,073,121) is also assigned to IBM. Since both the pending patent application and the Brown reference are commonly assigned and since at the time the claimed invention was made the Brown et al. reference and the claimed invention were both subject to an obligation to be assigned to IBM, the Examiner is hereby requested to withdraw the rejections with regard to claims 1-2, 5-10, 12-16, and 18-22. It should, however, be noted that the request to withdraw the rejections regarding claims 1-2, 5-10, 12-16, and 18-22 does not indicate that the Applicants acquiesce with the arguments put forth by the Examiner.

This amendment should obviate outstanding issues and make the pending claims allowable. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1, 2, 5-10, 12-16, and 18-22 are pending. Claims 3-4, 11, and 17 are cancelled.

Claims 1, 2, 5-10, 12-16, and 18-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 2002/0118220 (Lui) and U.S. 7,073,121 (Brown).

OVERVIEW OF CLAIMED INVENTION

The present invention provides a computer-based method of visually delineating a relationship between related graphical objects in a graphical user interface, the method

comprising: associating at least one icon with at least two diverse, but related graphical objects, said icon having an associated color scheme, when one of said related graphical objects is displayed, displaying said icon within said displayed graphical object; and wherein said displayed graphical objects are recognizable as related by the persistence of said icon with said associated color scheme in said displayed graphical objects.

The present invention also provides a computer-based method of delineating a relationship between related graphical objects, said method comprising: associating at least one icon with a first graphical object, said icon having an associated color scheme; displaying a second graphical object diverse from, but related to said first graphical object; displaying said icon within said second object, and wherein said second object is recognizable as related to said first object by the persistence of said icon with said associated color scheme.

The present invention also provides a computer-based method of graphically illustrating a progressive relationship between a series of related graphical objects comprising: associating at least one icon with a first graphical object, said icon having a specified color scheme; displaying said icon with said specified color scheme within said first graphical object; progressively displaying a series of graphical objects diverse from, but related to said first graphical object, said one or more related graphical objects to reflect an evolution of progression of development of said first graphical object, and wherein said icon with said specified color scheme is displayed within each of said related graphical objects.

The present invention also provides a computer program product for use with a graphics display device, said computer program product comprising a computer usable medium having computer readable program code means included in said medium: said computer readable program code means embodying a method for: associating at least one icon with at least two

diverse, but, related graphical objects, wherein said icon has an associated color scheme; when one of said related graphical objects is displayed, displaying at least one replica of said icon within said displayed graphical object; and wherein said displayed graphical objects are recognizable as related by the persistence of said icon with said associated color scheme in said displayed graphical objects.

The present invention also provides a computer program product for use with a graphics display device, said computer program product comprising a computer usable medium having computer readable program code means included in said medium, said computer readable program code means embodying a method for: associating at least one icon with a first graphical object, said icon having a specified color scheme; displaying said icon with said specified color scheme within said first graphical object; progressively displaying a series of graphical objects diverse from, but related to said first graphical object, said one or more related graphical objects to reflect an evolution of progression of development of said first graphical object, and wherein said icon with said specified color scheme is displayed within each of said related graphical objects.

The present invention also provides a computer-based system with visually related graphical objects comprising: at least one icon retained in computer storage, said icon having an associated color scheme and associated with a first graphical object; a display visually instantiating one or more graphical objects diverse from, but related to said first graphical object; wherein said icon with said associated color scheme is replicated within a visual space of said displayed one or more graphical objects related to said first object, and wherein said one or more displayed objects are visually recognizable as related due to the persistence of said icon with said associated color scheme.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 5-10, 12-16, and 18-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lui et al. (US 2002/0118220) and Brown et al. (7,073,121).

Applicants wish to reemphasize that Brown et al. (USP 7,073,121), is also assigned to IBM. Applicants wish to reemphasize that since both the pending patent application and the Brown reference are commonly assigned and since at the time the claimed invention was made the Brown et al. reference and the claimed invention were both subject to an obligation to be assigned to IBM, and the Examiner is hereby requested to withdraw the rejections with regard to claims 1-2, 5-10, 12-16, and 18-22.

It should, however, be noted that the request to withdraw the rejections regarding claims 1-2, 5-10, 12-16, and 18-22 does not indicate that the Applicants acquiesce with the arguments put forth by the Examiner. In fact, as will be shown below, the Brown reference, either singularly or in combination with the Lui reference, fails to teach many of the features of the pending claims.

To establish a prima facie case of obviousness under U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Applicants contend, as seen in the arguments below, that the Examiner, based on the

office action mailed August 23, 2006 has failed to establish a prima facie case of obviousness under U.S.C. §103.

Applicants respectfully assert that the Brown et al. reference could not have been combined with Lui et al. by one of ordinary skill in the art, as there would have been no teaching, suggestion, or motivation for allowing such a combination. Specifically, Lui et al. relates to "interactively assisting a user in operating an application program", whereas, Brown relates to "filtering and previewing" web-related data. Applicants respectfully assert that one of ordinary skill in the art would have not been able to combine specific features of Lui et al. with specific features of Brown et al. without a teaching, suggestion, or motivation.

The Examiner is reminded that, in order to establish a case of prima facie obviousness there must also be shown a motivation to combine the teachings of the cited references, namely Lui et al. and Brown et al. To that end, some suggestion of the desirability to combine the references must be found and demonstrated in the references. This burden cannot be satisfied by simply asserting that the modification would have been "well within the ordinary skill of the art."

As the CAFC stresses for a §103 rejection to stand, the Examiner is required to show with evidence the motivation, suggestion or teaching of the desirability of making the specific combination at issue. That evidence is required to counter the powerful attraction of a hindsight-based obviousness analysis. See, for example, In re Lee, 277 F.3d 1338, 1343, 61 U.S.P.Q. 2d 1430, 1433 (Fed. Cir. 2002) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references"). It is respectfully submitted that this involves more than a mere bold assertion that it would be obvious to combine the cited references. With respect, the Examiner has failed to indicate why one of

ordinary skill in the art would be motivated to combine the teachings of Lui et al. and Brown et al. In re Lee requires that the record must state with particularity all the evidence and rationale on which the PTO relies for a rejection and sets out that it is necessary to explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious.

Under Lee, the PTO must state in writing the **evidence** on which it bases its rejection. With respect, the present office action falls short of this requirement.

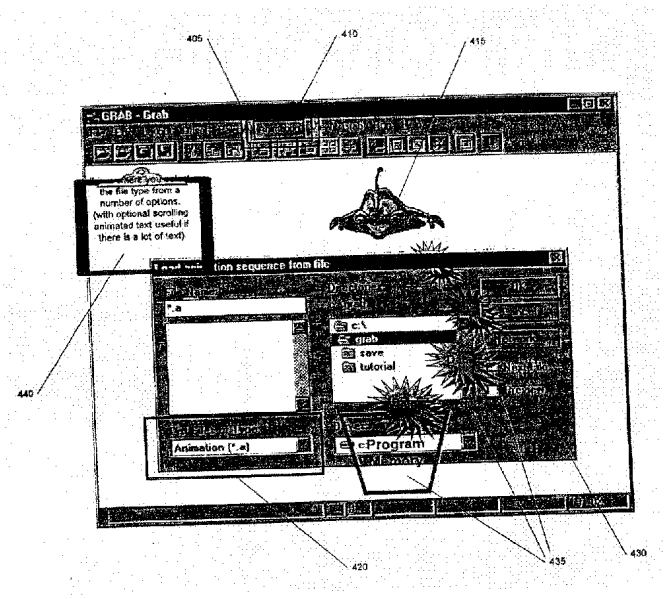
Applicants submit that there is no suggestion of the desirability to combine the Lui et al. and Brown et al. references, nor is there any motivation demonstrated in either of the references to combine them, nor is there any suggestion in either reference to adapt their teachings to provide the unique features of the present invention. Applicants also respectfully submit that the Examiner has failed to show, with evidence, a motivation, suggestion or teaching of the desirability of making the specific combination at issue. For the foregoing reasons, reconsideration is respectfully requested.

Furthermore, even for argument purposes, it is assumed that references were to be combined; Applicants respectfully maintain that such a combination would not teach the features of Applicants' pending claims.

Lui et al. teaches a computer-based assistance system for providing operational guidance of commands to use a computer program, the assistance system comprising: a command indicator for visually indicating to a user a portion of a display of the computer program corresponding to a specific command to be executed; and an interactive assistance object, responsive to the command indicator indicating the specific command, for interacting with the user to guide the user in execution of the specific command.

Brown et al. teach a method for presenting content from a page in a distributed database, wherein a server receives a request from a client for a page that has a plurality of links, retrieves the page and generate a set of thumbnails of the linked pages, and sends the page along with the set of thumbnails to the client.

On pages 2-3 of the Office Action mailed August 23, 2006, the Examiner relies on Figures 4-6, 6A of the Lui reference as teaching the features of "associating at least one icon with at least two diverse, but related graphical objects, said icon having an associated color scheme" and "when one of said related graphical objects is displayed, displaying said icon within said displayed graphical object". Figure 4 which is representative of the figures cited by the Examiner is reproduced below.



It appears that the Examiner is relying on element 415 as teaching the icon of independent claims 1, 7, 12, 15, 19, and 21. However, a closer examination of the figures and the accompanying description teaches otherwise. Specifically, element 415 in the cited figures is a "**interactive Guide Character**" which according to Lui's own words in Paragraph 57 provides "**a friendly personification or image to describe the Host application's logic or operation**".

Applicants respectfully assert (and as can be seen from the reproduced figure) that "interactive Guide Character" 415 is merely an animated object that is **used to provide help** to the user and is **NOT**, as the Examiner asserts, an icon that is associated with at least two diverse, but related graphical objects, wherein the icon has an associated color scheme and, when one of said related graphical objects is displayed, an icon that is displayed within the displayed graphical object." For example, the Examiner is directed to paragraph 60, wherein Lui outlines such an interaction for help.

Applicants further assert that the "interactive Guide Character" 415, by Lui's own admission is **associated with the "Host Application and the CHA system" and NOT associated with diverse, but related, graphical objects**.

Hence, Applicants assert that the Lui reference cannot teach or suggest many of the features of independent claims 1, 7, 12, 15, 19, and 21.

Applicants agree with the Examiner's statement on page 3 of the Office Action mailed August 23, 2006 that the Lui reference fail to teach the persistence of the icon with the associated color scheme in the displayed graphical objects. However, Applicants disagree that the Brown reference teaches such a feature.

For support of the rejection, the Examiner cites paragraph 44 and paragraph 52 of the Brown reference as teaching this feature. However, it is respectfully pointed out that the paragraph citations are difficult to follow as the cited reference is a patent, where paragraph citations are not generally included (i.e., Examiners, traditionally, use column and line number citations in a patent). Hence, due to the lack of specificity, Applicants' response to the Examiner's assertions is made based on the entire Brown reference.

Brown et al. teach that the modification of the color of a link to gray where gray would be an indication to the user that the link contains an excessive number of broken links. Brown et al. teach changing the color of the link to gray or to displaying an image next to the link indicating that none of the user's criteria were matched by the link. Brown et al. also teach replacing a green and red graphic with a graphic or thumbnail using other colors for someone who is color blind. Brown et al. also teach indicating the presence of user specified criteria on a presently viewed web page include highlighting the matching text in bold or blocking the matching text in a background color different from the rest of the text.

Conspicuously absent in the Brown et al. reference is a teaching or suggestion for **recognizing displayed graphical objects as related based on the persistence of the icon with an associated color scheme**.

Hence, Lui either by itself or in combination with the Brown reference cannot teach or suggest many of the features of independent claims 1, 7, 12, 15, 19, and 21.

Therefore, Applicants respectfully request the Examiner to withdraw the rejection with respect to independent claims 1, 7, 12, 15, 19, and 21, and further request allowance thereof. The above-mentioned arguments substantially apply to dependent claims 2, 5-6, 8-10, 13-14, 16-18, 20, and 22 as they inherit all the features of the claim from which they depend from. Applicants, therefore, respectfully request the Examiner to withdraw the rejections with respect to claims 2, 5-6, 8-10, 13-14, 16-18, 20, and 22, and further request allowance thereof.

If the examiner still feels that that the features of Applicants' pending claims are disclosed in the combination of Lui et al. and Brown et al. references, Applicants respectfully remind the examiner that it is the duty of the examiner to specifically point out each and every limitation of a claim being rejected as per §1.104(c)(2) of Title 37 of the Code of Federal

Regulations and section 707 of the M.P.E.P., which explicitly states that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified".

SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of Applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This response is being filed with a request for extension of time. The Commissioner is hereby authorized to charge the extension fee, as well as any deficiencies in the fees provided to Deposit Account No. 12-0010.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicants' representative at the below number.

Respectfully submitted,

/randywlacasse/

Randy W. Lacasse
Registration No. 34,368

1725 Duke Street, Suite 650
Alexandria, Virginia 22314
(703) 838-7683

December 26, 2006